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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES,) Case No. CR 00075 CW
11 Plaintiff,) (Proposed) STIPULATED REVIEW,
12 vs.) DISCLOSURE AND PROTECTIVE
13 WILLIAM JOSEPH FOOTE,) ORDER
14 Defendant.)
15 CITY OF RICHMOND, RICHMOND)
16 POLICE DEPARTMENT,)
17 Real Parties in Interest.)
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19 Defendant William Joseph Foote ("Defendant"), City of Richmond ("City"), and City of
20 Richmond Police Department ("Department"), through their attorneys of record, HEREBY
21 STIPULATE TO THE FOLLOWING FACTS:

22 1. Pursuant to the Rule 17(c) Subpoena/Order to Produce Documents in the above-
captioned matter signed May 12, 2006 and served May 17, 2006, the Department's Custodian of
24 Records appeared on May 18, 2006 at 1:30 p.m. before the Honorable Judge Claudia Wilken
25 with certain confidential personnel records (the "Records") pertaining to Richmond Police
26 Officer Brad Moody (the "Officer") to be examined *in camera*.
27 2. At the hearing on May 18, 2006, the Court declined to examine the Records and
28 requested that the Custodian leave copies of the Records with the Court, with the understanding

1 that the Department would be afforded an opportunity to move for a protective order and/or
2 motion to quash the subpoena.

3 3. On May 19, 2006, the Custodian of Records deposited the requested copies of the
4 Records with the Court.

5 4. On or about May 22, 2006, the City received the Order Setting Briefing Schedule
6 regarding a motion to quash the subpoena pursuant to which copies of the Records were
7 deposited with the Court and/or a motion for a protective order.

8 Based on the above-stipulated facts, the Defendant, the City, and the Department,
9 HEREBY STIPULATE THAT THIS COURT SHOULD ENTER THE FOLLOWING ORDER:

10 1. The Court shall conduct an *in camera* review of the Records.

11 2. At its discretion, the Court shall determine whether any portion of the Records is
12 relevant to a defense in the above-captioned matter.

13 3. If the Court finds that any portion of the Records is relevant to a defense in the above-
14 captioned matter, it shall disclose to the attorney of record for the Defendant that portion of the
15 Records that may aid in the defense but shall redact, edit, or limit disclosure to protect the
16 privacy rights of all persons (1) whose names or other identifying information appears in the
17 Records and (2) who would not provide evidence relevant to the defense. The defense includes
18 but is not limited to impeachment evidence against Officer Moody. Relevant records shall
19 include but not be limited to complaints filed by the defendant against Officer Moody and/or
20 evidence of dishonesty by Officer Moody.

21 4. The Court shall provide the City with copies of any information provided to the
22 attorney of record for the Defendant.

23 5. The Defendant, his attorney, agents and representatives shall not use any information
24 provided by the Court following *in camera* review of the Records in any way to embarrass or
25 harass Department officers, the Department, the City, or any person who has provided
26 information to the Department or to Department officers for any reason, including the
27 investigation of complaints against Department officers.

28 6. The Defendant, his attorney, agents and representatives shall not convey, transfer,

1 publish, distribute or authorize another to convey, transfer, publish or distribute the documents
2 and information provided by the City and the Department in response to the subpoena in the
3 above-captioned action for any purpose not related to the defense of the action.

4 7. Use of the information provided by the City and the Department is limited solely to
5 the defense of the above-captioned criminal case. The Defendant, his attorney, agents and
6 representatives shall not use in any other criminal or civil proceeding the documents and
7 information provided by the City and the Department in response to the subpoena in the above-
8 captioned action. Use of the information provided by the City and the Department is limited
9 solely to the defense of the above-captioned criminal matter.

10 8. The Defendant, his attorney, agents and representatives shall not divulge the
11 information provided by the City and the Department in response to the subpoena in the above-
12 captioned action, either in writing or orally, to any persons whatsoever (including members of
13 the press and witnesses for the defense) who are not agents or representatives of the Defendant
14 engaged in the preparation of a defense in the above-captioned criminal matter. Use of the
15 information provided by the City and the Department is limited to the Defendant's attorney(s) of
16 record in this case and to any investigators and experts employed by said attorney(s) in this case.

17 9. Any briefs filed with the Court that quote from or rely upon information from the
18 Records shall be filed under seal.

19 10. The Defendant, his attorney, agents and representatives shall destroy any and all
20 records of the information from the Records released by the Court within two (2) weeks of
21 conclusion of the above-captioned criminal matter.

22 11. If Defendant, his attorney, agents or representatives interviews, questions, or has any
23 discussion with any Department personnel regarding or in relation to information from the
24 Records, an attorney for the City and the Department shall be present. Defendant, his attorney,
25 agents and representatives shall notify the City Attorney's Office before interviewing,
26 questioning or having any discussion with any Department personnel regarding information from
27 the Records provided by the Court.

28 By and through their attorneys of record, the Defendant, the City, and the Department

1 stipulate to the facts and terms set forth above.

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Dated: 6/9/06

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Ismail Ramsey
4 Attorney for Defendant, William Foote

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FOR GOOD CAUSE SHOWN, IS SO ORDERED.

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DATED: 6-14-06

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Dated: June 8, 2006

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Mary J. Renfro
12 Attorney for City of Richmond, Richmond
13 Police Department

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/s/ Wayne D. Brazil

Hon. Wayne D. Brazil
United States District Court, Magistrate Judge